



## Fact Sheet

Authorization for  
Discharges from the  
Town of James Island  
under the SC NPDES  
General Permit for  
Storm Water  
Discharges from  
Regulated Small MS4  
SCR031911  
P/N 16-919-R

### **Introduction:**

This fact sheet has been prepared by the South Carolina Department of Health and Environmental Control (DHEC or the Department) to set forth the principal facts involved in authorizing discharges from the regulated Small Municipal Separate Storm Sewer System (SMS4) located in the Town of James Island under the SC NPDES General Permit for Storm Water Discharges from Regulated Small MS4s, SCR030000 as described in Public Notice 16-919-R.

This regulated small MS4 includes conveyances or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned or operated by the Town of James Island. This entity has jurisdiction over the disposal of storm water under State and local law. The criterion for regulation as a small MS4 is based on the entity's inclusion in an Urbanized Area (UA) as defined by the U.S. Census.

NPDES General Permit SCR030000 authorizes discharges composed entirely of storm water as defined in Section 402(p) of the Clean Water Act, SC Water Pollution Control Permits Regulation 61-9 and the permit itself. The Department has made a preliminary determination that authorization of these storm water discharges under SCR030000 is necessary to important economical or social development and that it will allow for maintenance of existing water uses.

DHEC has been delegated authority by EPA to implement the NPDES program within the state of South Carolina, including on Indian Lands. DHEC issued the effective NPDES General Permit for Storm Water Discharges from Regulated Small MS4s, SCR030000, on January 1, 2014. This permit expires on December 31, 2018.

### **Background:**

In 1987, the US Congress amended the Federal Clean Water Act to require EPA to implement an NPDES Stormwater Permit Program for municipal discharges. EPA was directed to develop a phased regulatory program for municipal type discharges. The municipal program includes counties as well as towns and cities. Based on these amendments, EPA promulgated the Phase I Stormwater NPDES Regulations in 1990 to address municipal separate storm sewer systems (MS4s). The Phase I regulations categorized MS4s as follows:

- Large MS4 - entities with a population of 250,000 or more.
- Medium MS4 - entities with a population of 100,000 or more but less than 250,000.

Phase I Federal Regulations required NPDES Permits for stormwater discharges from the Large and Medium MS4s. SC has one large MS4 (The South Carolina Department of Transportation) and three Medium MS4s (The City of Columbia, Greenville County, and Richland County). Each of these entities has been issued an individual NPDES Permit.

EPA promulgated Phase II Stormwater NPDES Regulations in 1999. This set of regulations established application and permit requirements for Small MS4s.

The Small MS4 term refers to all conveyances, or systems of conveyances, (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) designed or used for collecting or conveying storm water that are owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the States, but is not defined as “large” or “medium” municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

The regulations cited above have been promulgated into South Carolina Regulation 61-9 (Water Pollution Control Permits) under §122.26(a)(9) and §122.26(b)(16).

### **Permit Requirements:**

The proposed authorization requires the Town of James Island to develop, implement, and enforce a Storm Water Management Program (SWMP). Small MS4 operators must include in their SWMP measures to effectively prohibit non-storm water discharges to their system; implement controls to reduce the discharge of pollutants to the maximum extent practicable (MEP) to protect water quality; and implement best management practices (BMP), control techniques, or system design and engineering methods to satisfy appropriate requirements of the Clean Water Act (CWA). The SWMP must address the following six minimum control measures:

1. Public education and outreach on storm water impacts;
2. Public involvement / participation;
3. Illicit discharge detection and elimination;
4. Construction site storm water runoff control;
5. Post-construction storm water management in new development and redevelopment; and,
6. Pollution prevention / good housekeeping for municipal operations.

In addition to these measures, the permit contains Special Conditions Applicable to Permitted Storm Water Discharges to Sensitive Waters. Monitoring and Assessment Plans in TMDL watersheds, Water Quality

Controls for Discharges to Impaired Water Bodies and protection of waters classified as Outstanding Resource Waters (ORW) and Source Water Protection Areas (SWPA) are included among these special conditions.

### **Receiving Waters:**

The small MS4 area coincident with the boundaries of the Town of James Island include portions of the following Hydrologic Unit Codes (12 Digit, HUC-12) watersheds;

Lower Ashley River	030502010605 Class SA Saltwaters
Lower Cooper River	030502010707 Class SB Saltwaters
Stono River-Atlantic Intracoastal Waterway	030502020202 Shellfish Harvesting (SFH)

Streams receiving discharges from this area are classified as Freshwaters, Class SA Saltwaters, Class SB Saltwaters, and Shellfish Harvesting Waters (SFH).

Freshwaters (Class FW) are freshwaters suitable for primary and secondary contact recreation and as a source of drinking water supply after conventional treatment in accordance with the requirements of the Department. Freshwaters are also suitable for fishing and the survival and propagation of a balanced indigenous aquatic community of fauna and flora, and suitable (with the exception of Class ORW) for industrial and agricultural uses.

Class SA are tidal saltwaters suitable for primary and secondary contact recreation, crabbing, and fishing, except harvesting of clams, mussels, or oysters for market purposes or human consumption and uses listed in Class SB. Also suitable for the survival and propagation of a balanced indigenous aquatic community of marine fauna and flora.

Class SB are tidal saltwaters suitable for primary and secondary contact recreation, crabbing, and fishing, except harvesting of clams, mussels, or oysters for market purposes or human consumption. Also suitable for the survival and propagation of a balanced indigenous aquatic community of marine fauna and flora.

Shellfish Harvesting Waters (SFH) are tidal saltwaters protected for shellfish harvesting and uses listed in Class SA and SB. Suitable for primary and secondary contact recreation, crabbing, and fishing. Also suitable for the survival and propagation of a balanced indigenous aquatic community of fauna and flora.

The Department has made a preliminary determination that authorization for these storm water discharges under the NPDES Phase II General Storm Water permit is necessary to important economical or social development and that said authorization will allow maintenance of existing water uses. The Department is seeking comment on this preliminary finding. In accordance with Section D.(2), Antidegradation, of South Carolina R. 61-68 Water Classifications and Standards, this notice provides public participation and intergovernmental coordination for this decision.

### **Obtaining Authorization to Discharge under the Permit:**

New Permittees: The small MS4 to be granted authorization to discharge under the SC NPDES General Permit for Storm Water Discharges from Regulated Small MS4s, SCR030000, was captured within the boundaries of the Charleston-North Charleston, SC Urbanized Area

according to the U.S. 2010 census. The Standard Industrial Classification (SIC) Code best describing these applicants is: 9241, Administration of Environmental Programs.

The Town of James Island is a first time applicant. Meaningful review of their Notice of Intent was conducted to ensure functional equivalence of their proposed SWMP with the permit. The number of outfalls will be determined by November 1, 2017. The Department's preliminary determination to authorize the applicants to discharge under the General Permit is open for public comment.

Once a final decision is reached on the proposed draft certificates of coverage, the Town of James Island will be issued their certificate of coverage-SCR031911.

### **Reaching a Final Decision on the Draft Certificate of Coverage:**

The public comment period for the draft Certificates of Coverage commences on September 14, 2016 and ends on October 14, 2016. Written comments will be accepted during this period. Written comments may be submitted to the attention of Mr. Arturo Ovalles (Arturo.ovalles@dhec.sc.gov), SCDHEC, Bureau of Water, 2600 Bull Street, Columbia, SC, 29201.

Notice of this public comment period, along with this fact sheet and draft certificates of coverage have been mailed to the applicant, Federal and State agencies, stakeholders and interested parties. These documents are also available by visiting <http://www.scdhec.gov/PublicNotices/>. In addition, a public notice has been published in *The Charleston City Paper*.

All persons, including applicants, who believe any condition of the draft certificates of coverage is inappropriate or that the Department's preliminary determination to authorize this storm water discharge under SCR030000 is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by the close of the public comment period.

Any supporting materials which are submitted shall be included in full and may not be incorporated by reference, unless they are already part of the administrative record in this proceeding, or consist of State or Federal statutes and regulations, Department and EPA documents of general applicability, or other generally available reference materials. Individuals providing comments shall make available supporting materials not already included in the administrative record.

During the public comment period indicated above, any interested person may submit written comments on the draft Certificate of Coverage and may request a public hearing. All comments shall be considered in making the final decision and shall be answered. A request for a public hearing shall be made in writing and shall state the nature of the issues proposed to be raised in the hearing.

For other procedures for the public to participate in the final decision, visit <http://www.scdhec.gov/Agency/BoardofDirectors/GuidetoBoardReview/>